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Isaac Farr

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EXAMINER

SASTRI, SATYA B

ART UNIT

PAPER NUMBER

1713

MAIL DATE

DELIVERY MODE

06/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



### **DETAILED ACTION**

1. This office action is in response to amendment filed on April 16, 2007. With the addition of new claims 33-42, claims 1-9, 11-15, 17-19 and 33-42 are now pending in the application.
2. Applicant's amendment and arguments have been fully considered but not found persuasive and thus, the rejection of claims 1-9, 11-15, 17-35 U.S.C. 103(a) as being unpatentable over to Janney et al. (US 6,228,299 B1) in view of evidence provided by <http://www.rtvanderbilt.com/documents/MSDS/CAN/14442.pdf> is maintained. Additionally, rejection of claims 11-13 under 35 U.S.C.112, second paragraph, as being indefinite is withdrawn. It is noted that applicants have not addressed the objection to the specification raised in office action dated 4/6/06 (paragraph 4) and maintained in the office action dated 9/1/06 (paragraph 2). The objection to the specification is maintained.

### ***Claim Objection***

3. Claim 34 is objected to for a typographical error in line 3 for "propane".

### ***Previously Cited Statutes***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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5. Claims 34, 35, 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janney et al. (US 6,228,299 B1) in view of evidence provided by <http://www.rtvanderbilt.com/documents/MSDS/CAN/14442.pdf>.

The discussion with regard to Janney et al. is presented in the office action dated 1/19/07 and is incorporated herein by reference.

The difference between the prior art and the instant invention is that the prior art does not exemplify compositions with the specific components recited in instant claims.

The prior art to Janney et al. discloses the following components recited in the instant claims (a) basic component comprising metal oxides, metal salts, ceramic powders including glass etc. (col. 4-5, bridging paragraph); (b) acid components such as polymeric acrylic and methacrylic acid and their salts (col. 13, lines 1-20); (c) at least one diacrylate compound (col. 4, lines 25-56); (d and e) peroxide and water soluble amine (col. 7, lines 1-17) and (f) water, alcohol and mixtures thereof (col. 4, lines 57-59). Although the prior art does not exemplify the composition, given the general teaching of the suitability of various components, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the disclosed components (a)-(f) and thereby arrive at the instant invention. Case law holds that the selection of a known material based on its suitability for its intended use supports *prima facie* obviousness. *Sinclair & Carroll Co vs. Interchemical Corp.*, 325 US 327, 65 USPQ 297 (1045).

With regard to the specific combination of peroxide and water soluble amine and the initiating species, it would have been obvious to use any of the functionally equivalent oxidizing agents disclosed in the prior art, including a peroxide in lieu of persulfate, and thereby obtain the instant invention.

***Allowable Subject Matter***

6. Claims 33 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 33 recites a specific acidic component while claim 36 recites a specific surfactant in the compositions. Such modifications are not obvious over prior art to Janney et al.

***Response to Arguments***

7. Applicant's argue that Janney does not teach, disclose or suggest that the "fibers are selected from polymer fibers, ceramic fibers, glass fibers and combinations thereof", as recited in claim 1. Additionally, the listing of optional ingredients in the prior art is typified as a laundry list. Firstly, examiner notes that a list with only 11 items (col. 11, lines 38-44) cannot constitute a laundry list. Secondly, with regard to the teaching on fibers, it is noted that the prior art discloses the use of organic fibers (emphasis added). Organic fibers can be formed only from polymeric materials, i.e. polymers with large molecular wt. and not from small molecules. Therefore, it is implicit that the teaching is of an organic polymeric fiber. Ceramic fibers, carbon fibers, glass fibers read on inorganic fibers disclosed as optional additional additives. Though these additives are optional, it would have been obvious to include to same from the standpoint of reinforcing the final product strength.

***Action Is Final***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Future Correspondence***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satya Sastri whose telephone number is 571-272-1112.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular

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communications. The unofficial direct fax phone number to the Examiner's desk is 571-273-1112.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Satya Sastri*

SATYA SASTRI

June 4, 2007

*DW*

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